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AND RELATED FEDERAL AND ITC LITIGATION



DOCKET NO: 0039-7608-2S

ATTN: LICENSING AND REVIEW

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: Inventor: Tsutomu YAMAKAWA

Serial No.: 09/521,901

Filed: March 9, 2000

For: NUCLEAR MEDICAL DIAGNOSTIC APPARATUS

SIR:

Attached hereto for filing are the following papers:

**PTO NOTICE
STATEMENT UNDER 42 USC 2182 (AEC)**

Our check in the amount of \$.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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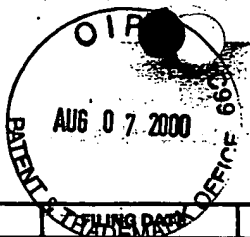
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Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/521,901	03/09/00	YAMAKAWA	0039-7508-25

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PM51/0623

EXAMINER	
GAGLIARDI, A.	
ART UNIT	PAPER NUMBER
2878	5

DATE MAILED:

06/23/00

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AEC 87mt 8-7-00

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

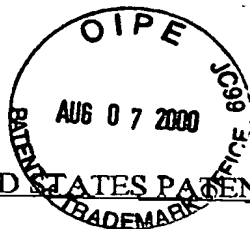
IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-3312.

(703) 306-4202

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

0039-7608-2S



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Tsutomu YAMAKAWA

: ATTN: LICENSING AND
REVIEW

SERIAL NUMBER: 09/521,901

FILED: March 9, 2000

FOR: NUCLEAR MEDICAL DIAGNOSTIC...

STATEMENT UNDER 42 USC 2182 (AEC)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

OK

I, Tsutomu YAMAKAWA being the Inventor herein, declare that I am the Applicant in the above-identified Application, and that the full facts concerning the circumstances under which the present invention was made and the relation of such invention to the performance of any work under any contract, subcontract, or arrangement entered into with or for the benefit of the Department of Energy are as follows:

1. That the above invention was made, conceived and reduced to practice entirely on the time and efforts of the Applicants and at the sole expense and for the sole benefit of Applicant's Assignee, KABUSHIKI KAISHA TOSHIBA, with offices at 72 HORIKAWA-CHO, SAIWAI-KU, KAWASAKI-SHI, JAPAN during the course of regular employment with said company at the facilities of KABUSHIKI KAISHA TOSHIBA, at 72 HORIKAWA-CHO, SAIWAI-KU, KAWASAKI-SHI, JAPAN.

2. The invention or discovery was not made, or conceived in the course of, or in connection with, or under any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors Energy Research and Development Administration or the Department of Energy.

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The undersigned Inventor declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 6, 2000
Date

Tsutomu Yamakawa
Tsutomu YAMAKAWA